

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

**LEAGUE OF WOMEN VOTERS OF
MISSOURI, ST. LOUIS A. PHILIP
RANDOLPH INSTITUTE, and GREATER
KANSAS CITY A. PHILIP RANDOLPH
INSTITUTE,**

Plaintiffs,

v.

JOHN R. ASHCROFT,
in his official capacity as the Missouri
Secretary of State, and

JOEL W. WALTERS,
in his official capacity as the Director of the
Missouri Department of Revenue,

Defendants.

Civil Action No. 2:18-cv-04073-BCW

JOINT MOTION FOR MODIFICATION OF SCHEDULING ORDER

Defendant John R. Ashcroft, in his official capacity as the Missouri Secretary of State, and Defendant Joel W. Walters, in his official capacity as the Director of the Missouri Department of Revenue, and Plaintiffs, by and through undersigned counsel, hereby request an extension of time to complete fact witness discovery, and for a modification of this Court's Scheduling and Bench Trial Order (Dkt. No. 81) of August 8, 2018, as follows:

- Extension of the Discovery Closure Deadline from November 6, 2018 to **March 31, 2019**;
- Extension of the Dispositive Motion Deadline from November 20, 2018 to **April 30, 2019**;

- Extension of the Bench Trial date to on or after **September 30, 2019.**

In support of this Motion, the Parties state as follows:

1. On October 10, 2018, Plaintiffs and Defendants jointly moved for extension of the Discovery Closure Deadline from October 20, 2018 to November 6, 2018 (Dkt. No. 100). This Court granted that Motion on the same date. (Dkt. No. 101).

2. The Parties have engaged in good faith efforts in an attempt to complete all necessary discovery by the deadline. These efforts have included service of interrogatories, requests for production, and requests for admission, as well as ongoing efforts to schedule both fact witness and Rule 30(b)(6) corporate representative depositions. Presently, numerous depositions are tentatively scheduled between now and November 6, 2018, including five separate 30(b)(6) depositions scheduled for the week of October 29, 2018.

3. It has recently become clear to counsel for Defendants, the Missouri Attorney General's Office, that the interests of Defendants Ashcroft and Walters have diverged to a degree that is no longer in the clients' best interest for both Defendants represented by the same attorney.

4. Accordingly, Assistant Attorney General David Dean will be withdrawing as counsel of record for Defendant Ashcroft, and a different Assistant Attorney General will be appearing on his behalf.

5. Defendant Ashcroft's prospective new attorney has communicated that he is unavailable to attend the depositions presently scheduled for the week of October 29, 2018, and at any rate would not be ready to adequately represent his client's interests at those depositions without additional time to prepare.

6. In light of the Preliminary Injunction Order and Defendants' compliance with it, Plaintiffs do not believe that a longer discovery period and later trial date will be prejudicial to their

claims in this case.

7. Accordingly, the Parties request that the Discovery Closure deadline be extended from November 6, 2018 to March 31, 2019, in order to provide adequate time to complete depositions and other fact discovery. The Parties agree that this proposed extension will provide sufficient time to complete discovery in a manner that is in the best interests of all parties and counsel.

8. Because the current Dispositive Motion Deadline is November 20, 2018, the Parties further request that the Dispositive Motion Deadline also be extended from November 20, 2018 to April 30, 2019.

9. Given the requests to extend both the discovery closure deadline and the deadline to file dispositive motions, it would also become necessary to adjust the pretrial and trial dates accordingly. The Parties respectfully suggest a trial date on or after September 30, 2019.

WHEREFORE, the Parties respectfully request that this Court enter an order extending the deadline for closure of discovery to March 31, 2019, extending the dispositive motion deadline to April 30, 2019, and extending the pretrial and trial deadlines to accommodate the discovery and dispositive motion deadlines.

Dated: October 19, 2018

Respectfully Submitted,

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practice limited pursuant to D.C. App. R.
49(c)(3).

CERTIFICATE OF SERVICE

I certify that on October 19, 2018, I filed the foregoing Motion for Modification of Scheduling Order with the Clerk of the Court using the CM/ECF system, and a copy was made available to all electronic filing participants.

/s/ David D. Dean